Ala. Code 1975, § 13A-7-23.1(b)

Invasion or Mutilation of Corpse

The defendant is charged with invasion or mutilation of corpse.

A person commits the crime of invasion or mutilation of a corpse if he/she willfully or maliciously desecrates, injures, defaces, removes or destroys any tomb, monument, structure, or container of human remains, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, and invades or mutilates the human corpse or remains.

To convict, the State must prove beyond a reasonable doubt each of the following elements of invasion or mutilation of a corpse:

- (1) [Read appropriate part]: The defendant willfully or maliciously desecrated, injured, defaced, removed or destroyed a tomb, monument, structure, or container of human remains, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts (describe);
- (2) The defendant invaded or mutilated the human corpse or remains; and
- (3) The defendant did not have a permit issued by the Alabama Historical Commission to operate a cemetery under standard rules and regulations and maintenance procedures; or was not otherwise authorized by law to remove or disturb a tomb, monument, grave marker, burial mound, earthen or shell monument, or similar structure; or was not authorized to take any action on municipal property.

A person acts *willfully* when he/she acts voluntarily. A person acts willfully when the act was committed voluntarily and purposefully with the specific intent to do something the law forbids; that is to say, with bad purpose either to disobey or disregard the law.

A person acts *maliciously*, or with malice, when his/her mental state or condition of his/her mind prompts him/her to do an unlawful act without legal excuse or justification.

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of the offense of invasion or mutilation of a corpse, then you shall find the defendant guilty of invasion or mutilation of a corpse.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense of invasion or mutilation of a corpse, then you cannot find the defendant guilty of invasion or mutilation of a corpse.

[Adopted 09-19-14.]